

**FILED**

**DEC 30 2013**

Clerk, U.S. District Court  
District Of Montana  
Missoula

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MILO ROBERT COOK, III,

Defendant.

CR 13-51-BLG-DWM

**ORDER**

United States Magistrate Judge Carolyn S. Ostby entered Findings and Recommendation in this matter on December 9, 2013. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

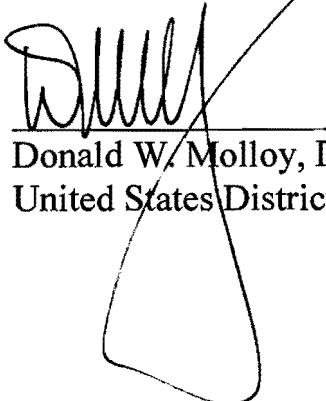
*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Ostby recommended this Court accept Milo Robert Cook, III's guilty plea after Cook appeared before her pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to Count II of the Indictment, which charges the crime of possession with intent to distribute methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and 18 U.S.C. § 2.

I find no clear error in Judge Ostby's Findings and Recommendation (Doc. 28), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Milo Robert Cook, III's motion to change plea (Doc. 28) is GRANTED.

DATED this 30 day of December, 2013.

  
Donald W. Molloy, District Judge  
United States District Court